

4/1/21 – Call w/ EPA Region 9 to discuss permitting requirements

Attendees:

- Robert Powell – Planning Director, Torres Martinez Desert Cahuilla Indians; [HYPERLINK "mailto:rpowell@tmtanf.org"]
- Lisa Beckham – Environmental Engineer, Air Permits Section, Air and Radiation Division, US EPA Region 9; [HYPERLINK "mailto:BECKHAM.LISA@EPA.GOV"]
- Rodney Bonner – Developer & Owner of Rodney Bonner & Associates Incorporated Inc. (RB&A); [HYPERLINK "mailto:rodneybonner44@gmail.com"]
- Chris Courtney – Consultant for RB&A (Owner of Courtney Consulting LLC); [HYPERLINK "mailto:chris@courtneyconsultingllc.com"]

Items Discussed

Introductions

Purpose

1. Identify the process for obtaining a New Construction Permit for a Federal Minor New Source in Indian Country for the proposed RB&A Cave Bear tire recycling facility on the Torres Martinez Desert Cahuilla Indian Reservation.

Missouri Tire Recycling facility:

1. Chris – A new pyrolysis tire recycling facility was permitted in 2017 which uses similar technologies and will be producing similar recycling products as Cave Bear
2. Lisa – Do you know if this facility is operational, and if so, do they have stack test data they can share with us? Chris – No, but I will try to find out
3. Chris – Overarching message is that we can likely glean much useful information from their application for RB&A's; Lisa – Agreed

EPA Requirements

1. Chris – Given the specialized nature of the pyrolysis process and a lack of abundant US operational data, Courtney Consulting will likely bring on Massie Hatch (Owner of M. S. Hatch Consulting, LLC.) as her firm has California Tribal experience and working history with Lisa Beckham.
2. Chris – Will ambient air modeling will likely be required? Lisa – Yes
3. Chris – Will a human health risk assessment will likely be required? May or may not be required but is highly recommended
4. Chris – Will there be public notification requirements? Lisa – Yes, public hearings will be required, and we should expect public comments
5. Chris – How long is the EPA review process once RB&A has submitted a complete *Application for New Construction Federal Minor New Source in Indian Country (EPA Form No. 5900-248)*? Lisa – EPA has a prescribed 6-month process, although with potential public hearings and comments it could take up to 1 year.
6. Chris – Once Cave Bear is operational will continuous air emission monitoring be required? Lisa – Yes

7. Chris – Could Cave Bear potentially be classified as an “Incineration Facility”, and if so does would that stop the project from getting permitted? Lisa – This is a tricky question as there are changes pending in EPA definitions. This would not necessarily prevent Cave Bear from getting their air permit, but it can sometimes trigger negative public perception which could trigger additional regulatory requirements and more EPA permits.
8. Chris – Based on a cursory review of the manufactures’ specifications for the pyrolysis equipment and a review on the Missouri facility’s permit application, the hazardous air pollutants (HAPs) for Cave Bear would include dioxin/furans, benzene, HCl, styrene, polycyclic aromatic hydrocarbons (PAHs); Lisa – These sound correct although without having a completed application theses could change. I would be interested to see if chlorine could be a HAP.
9. Chris – How do we demonstrated Best Available Control Technologies (BADCATs) other than what the equipment manufacturer provides and what we can find from online research? Lisa – Those sound like a good starting place. Maybe you can glean more from the Missouri plant’s application? And yes, identifying BADACTs will be required.
10. Rodney – Are there any other EPA permits that will be required? Lisa – Yes. Your facility will trigger Section 7 of the Endangered Species Act (this requires all Federal agencies to use their authorities to conserve endangered and threatened species in consultation with U.S. Fish and Wildlife Service [USFWS]), so biological studies will need to be performed; Rodney – Some of these studies have already been done or are in progress. If others need to be completed then RB&A will get them done; Lisa – Section 106 of the National Historic Preservation Act (NHPA) will also be triggered (Section 106 of the NHPA requires that each federal agency identify and assess the effects its actions may have on historic buildings); Rodney – Numerous cultural resources studies have already been done, but he will check with the Tribe to see if others need to be completed.
11. Lisa – Highly suggest an EPA pre-application meeting once we gathered sufficient information on air emissions so we can stay on course.
12. Robert – The Tribe will require completion and submittal of and Environmental Report; Chris – What does said report look like?; Rodney – Will send me the requirements and a sample report to Chris.

Action Items

1. Lisa – Will email EPA contact info out for biological and cultural resource compliance so RB&A may coordinate accordingly.
2. Chris – Will check to see if the Missouri facility is operational and to see if they have and care share stack test data.
3. Rodney – Some of these studies have already been done or are in progress. If others need to be completed, then RB&A will get them done.
4. Rodney – Numerous cultural resources studies have already been done, but he will check with the Tribe to see if others need to be completed.
5. Robert – Will send the Tribe’s Environmental Report requirements and a sample report to Chris
6. Robert – Will check with the tribe’s Natural Resources Manager to see what other requirements might be applicable